

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

DE-VAUNTE J. TAYLOR,

)

4:14CV3127

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Plaintiff,

)

)

v.

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**MEMORANDUM
AND ORDER**

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JAMES E. HOLTMAYER,

)

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Defendant.

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This matter is before the court on Plaintiff's three Motions (Filing Nos. [19](#), [21](#), and [22](#)) seeking leave to amend his Complaint. Plaintiff seeks the court's leave to name the Omaha Police Department Chief as a defendant, and to identify "which official policy or custom caused a violation of his constitutional rights." (Filing No. [22](#).)

Rule 15 of the Federal Rules of Civil Procedure provides "[t]he court should freely give leave [to amend] when justice so requires." [Fed. R. Civ. P. 15\(a\)\(2\)](#). The applicable standard is summarized in [Foman v. Davis, 371 U.S. 178, 182 \(1962\)](#), which states:

If the underlying facts or circumstances relied upon by a plaintiff may be a proper subject of relief, he ought to be afforded an opportunity to test his claim on the merits. In the absence of any apparent reason—such as undue delay, bad faith or dilatory motive on the part of the movant, . . . undue prejudice to the opposing party by virtue of allowance of the amendment, futility of amendment, etc.—the leave sought should, as the rules require, be "freely given."

Id. In addition, Nebraska Civil Rule 15.1 provides that "[a] party who moves for leave to amend a pleading (including a request to add parties) must file as an attachment to the motion an unsigned copy of the proposed amended pleading that

clearly identifies the proposed amendments.” [NECivR 15.1\(a\)](#). In pro se cases, the court may consider an amended pleading as supplemental to the original pleading. [NECivR 15.1\(b\)](#).

Plaintiff did not file a copy of his proposed amended complaint. In addition, his Motions seeking leave to file an amended complaint do not identify how the Omaha Police Department Chief is responsible for violating Plaintiff’s constitutional rights. In addition, the Motions do not identify which official policy or custom caused a violation of his constitutional rights. In short, the court does not have the information it needs to determine whether Plaintiff should be given leave to amend his Complaint.

IT IS THEREFORE ORDERED that: Plaintiff’s Motions (Filing Nos. [19](#), [21](#), and [22](#)) are denied without prejudice to reassertion upon the filing of a proposed amended complaint.

DATED this 7th day of January, 2015.

BY THE COURT:

s/ John M. Gerrard
United States District Judge

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